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OK/HAV

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR. No. S-04-104 DFL
)	
Plaintiff,)	
)	
v.)	STIPULATION AND ORDER
)	
MARK STEVEN ERCKERT,)	
)	
Defendant.)	Date: August 10, 2006
)	Time: 10:00 a.m.
)	Hon. David F. Levi

This matter came on before the Court on May 24, 2006, for a Trial Confirmation Hearing. Prior to the hearing, the government disclosed the identity of CS#3 and provided early Jencks material consisting of a debriefing report and Grand Jury testimony.

Upon learning the identity of the CS, counsel for defendant announced the intention to file an additional motion to suppress. On that basis, the Court vacated the trial date and directed the parties to propose a motion briefing schedule. After consultation with the Court's Courtroom Deputy, the parties propose the following:

Defendant's Motion To Suppress: June 22, 2006
Government's Response: July 13, 2006
Defendant's Reply: July 20, 2006
Hearing: August 10, 2006 at 10:00
a.m.

Counsel for the defendant requires additional time to review the Jencks disclosures and to prepare the previously mentioned motion. Accordingly, the parties request that time be excluded from computation under the Speedy Trial Act from the day of the Trial Confirmation Hearing (May 24, 2006) up to and through the date that the defendant's motion is filed (June 22, 2006) under those provisions of the Act relating to reasonable time to prepare. 18 U.S.C. § 3161(h) (8) (B) (iv); Local Code T4.

DATED: May 31, 2006

/s/ Philip Ferrari for
KRISTA HART, ESQ.
Attny. for Mark Erckert

DATED: May 26, 2006

McGREGOR W. SCOTT
United States Attorney

By: /s/ Philip Ferrari
PHILIP A. FERRARI
Assistant U.S. Attorney

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Based upon the representations by counsel and the stipulation of the parties, **IT IS HEREBY ORDERED** that:

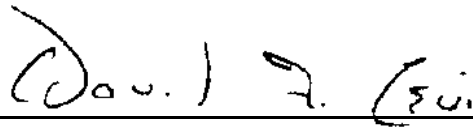
1. The trial date previously set in this matter is hereby vacated;

2. The proposed briefing schedule for the defendant's motion to suppress is adopted and a hearing on that motion is set for August 10, 2006 at 10:00 A.M.; and

3. The Court finds that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial, and accordingly, time under the Speedy Trial Act shall be excluded from May 24, 2006, through June 22, 2006, pursuant to the provisions of the Act relating to reasonable time to prepare. 18 U.S.C. § 3161(h) (8) (B) (iv); Local Code T4..

IT IS SO ORDERED.

DATED: 6/6/06



DAVID F. LEVI
United States District Judge